

Regular Meeting

April 7, 2008

The Regular Meeting of the Souderton Borough Council was called to order by Vice-President Andrew C. Schlosser at 7:30 p.m. Members of Borough Council present at the Meeting included the following:

Vice President Andrew C. Schlosser	Jr. Councillor Andrew Espenlaud
Councillor Ned D. Leight	Mayor John R. Reynolds
Councillor D. Jeffrey Gross	Solicitor Robert G. Bricker
Councillor Brian Goshow	Borough Manager P. Michael Coll
Councillor Katherine M. Grubb	Public Works Director Steven R. Coll
Councillor Jonathan C. Gardenier	Police Chief Charles A. Quinn, Sr.

Absent from meeting were President John U. Young, Councillor Ray M. Yothers and Councillor J. Edward Hunsicker, Jr.

The Invocation was given by Borough Manager P. Michael Coll, followed by the Pledge of Allegiance to the Flag.

Consideration was given to the minutes of the March 3, 2008 Regular Borough Council Meeting. Councillor Jonathan Gardenier requested clarification under the Sidewalk Committee work session minutes about the use of pavers. Borough Manager Michael Coll commented that the use of paver blocks in lieu of a grass plot was discussed as a potential option for consideration of Borough Council, but no formal approval has been extended. The matter is scheduled for further discussion at the April 14, 2008 work session. A motion was made by Councillor Ned D. Leight, and seconded by Councillor D. Jeffrey Gross, to approve the minutes as presented. The motion was approved.

Under correspondence, Borough Manager Michael Coll reported that he received a letter from Cub Scout Pack #401 expressing their sincere appreciation to participate at the February Borough Council meeting. The Borough Manager further reported that he received an email message from Richard D'Amico, owner of Consign by Design on Main Street, offering comments on various parking issues in the core business district. This message was copied to members of Borough Council and Mayor Reynolds.

Mayor John Reynolds reported that prior to the Borough Council meeting; he administered the Oath of Office to three new members of the fire police unit of the Perseverance Volunteer Fire Company. The three new members included Erik Berg, Kris Rappold and Shawn Semmeles.

Solicitor Report for the month of March, 2008 was distributed. They prepared and circulated for review by Council a proposed Local Service Tax Ordinance. On March 4, 2008, they attended a meeting with representatives of Verizon regarding a proposed cable TV franchise agreement. They prepared a memorandum regarding public comment and the keeping of minutes of Borough Council work sessions.

Public Works Director Steven Coll reported that crews are scheduled to begin construction of the N Fourth Street storm drainage project on April 14, 2008. Fourth Street will be restricted to local traffic only during the construction. Councillor Brian Goshow noted some erosion around the new baseball field and tot lot area. Mayor Reynolds also noted a significant amount of dead arborvitae bushes near the batting cage. Borough Manager Michael Coll confirmed that both items will be addressed on the contractor punch list. Mayor Reynolds questioned authorized use of the new baseball field. The Borough Manager confirmed that the new baseball field is available for public use and the Borough maintains discretion over its scheduling. Letters were sent to the Souderton Baseball League authorizing their use of the field and another letter was sent to the Boys and Girls Club authorizing their proposed use of the field after the little league season. Councillor Brian Goshow also suggested that the Borough consider installing bollards along the blacktop path to stop vehicle from driving through this area.

Borough Manager Michael Coll reported the scheduling of a committee meeting on Thursday morning, April 17, 2008 beginning at 8:00 am to review sketch plans from DePallo Design and Planning in regard to the Souderton High School Redevelopment planning project. They are looking for comments from key committee members representing Borough Council, School District and Souderton-Telford Main Streets. They hope to present a series of conceptual sketch plans and some very preliminary financial analysis of various options. The meeting is also open to the public. The

group is working towards a second public hearing. The Borough Manager reported that crews are currently completing the monthly curb side brush collections and will be completing the spring curb side leaf collection program on Friday, April 18, 2008. Pool memberships will go on sale beginning the week of April 21st. Discounts will be available through May 31st. Scheduled for consideration this evening, includes a Resolution authorizing the submission of a grant application to the Pennsylvania Department of Conservation and Natural Resources for funding assistance to purchase the South Front Street Baseball Fields from Zion Mennonite Church. The deadline for application is Friday, April 25, 2008. We solicited proposals to repair the exterior stucco along the front and side wall of the Souderton Municipal Building. The lowest quote received was from Benner & White at a cost of \$9,775.00, with the Borough removing the existing stucco. A motion has been prepared to authorize the Borough Solicitor to prepare and advertise an amendment to the Subdivision and Land Development Ordinance to increase the parking requirement for multi family dwelling units. The last item scheduled for consideration is authorization to hold a Special Borough Council Meeting on April 21, 2008 to formally consider bids for playground equipment and safety surface for the Lawn Avenue Park playground. The budget for this project is \$50,000, funded by a state legislative grant in the amount of \$25,000 and an allocation of \$25,000 from the Redevelopment Assistance Capital Program grant.

Consideration was given to paying the bills for the month of March, 2008.

GENERAL FUND

Ches-Mont Disposal, Inc.	\$325.92	MetLife	\$240.70
MetLife	3,110.45	Montgomery Newspaper	52.73
Nextel Communications	286.92	North Penn Water Authority	19.25
Word Work, Inc.	285.00	Petty Cash Fund	131.72
Weaver and Reckner Dental	405.00	Alderfer Glass Co.	34.95
Armstrong & Son Equipment	18.00	AT&T	31.92
Bergey's, Inc.	28.70	Blooming Glen Quarry	64.60
Christopher E. Werner, D.D.S.	784.00	Clemens Uniform Rental	206.55
Clemens Uniform Rental	10.20	Cope's Garage, Inc.	1,797.69
Daniel L. Beardsley, LTD	262.80	Detlan Equipment, Inc.	48.74
Farm & Home Oil Co.	909.48	Glasgow, Inc.	63.00
Gouldey Welding & Fabrication	198.91	Indian Creek Foundation	376.00
Jason M. Kelly	120.00	Kaler Motor Company	201.15
L.W. Clearing Co.	135.00	Moyer & Son, Inc.	1,425.53
Naceville Materials	168.36	NetCarrier Telecom, Inc.	471.64
PA Municipal Retirement System	710.68	PA Municipal Retirement System	772.21
PA Municipal Retirement System	1,521.12	PA Municipal Retirement System	2,811.86
PECO Energy Co.	241.18	Pennsylvania One Call System	16.90
Peter I. Psomiadis, D.M.D.	68.00	PPL Electric Utilities	549.50
Richter Drafting/Office Supplies	87.07	Shelly Enterprises, Inc.	365.80
State Worker's Insurance Fund	3,796.80	Styer Associates	305.00
The Partnership TMA	5,000.00	Virginia M. Womelsdorf	257.00
Wellington Sporting Goods	58.00	Comcast Cable	42.95
Fromm Electric Supply Corporation	9.02	John T. Fretz Insurance Agency	9,731.45
Moyer & Son, Inc.	1,939.27	North Penn Water Authority	10,315.50
MetLife	3,110.45	Montgomery Newspaper	196.99
Trumbauers Lawn & Rec, Inc.	243.58	Ven-Mar Sales, Inc.	199.40
Verizon	178.18	Bergey's, Inc.	25.00
Boucher and James, Inc.	51.25	Chemsearch	2,414.58
Christopher E. Werner, D.D.S.	140.00	David A. Freed	130.00
Farm & Home Oil Co.	859.90	Federal express Corporation	18.19
Freedom Systems Corporation	764.10	Independence Blue Cross	16,546.78
Indian Valley Appraisal Co.	1,500.00	Jason M. Kelly	62.40
Keystone Health Plan East	7,112.53	MetLife	240.70
Michael C. Boraski, D.M.D.	174.00	Moyer & Son, Inc.	1,215.52
North American Benefits Company	945.40	Nyco Corporation	153.25
PPL Corporation	876.36	PPL Electric Utilities	10,199.83
PSAB Yearbook	40.00	Richter Drafting/Office Supply	69.16
Shelly Enterprises, Inc.	33.12	Silverdale Dentistry	252.00
Univest Visa	187.92	Univest Visa	125.00

PPL Electric Utilities	\$356.89	K & S SRVS, INC.	\$375.00
PPL Electric Utilities	302.14		
		Total Liquid Fuels Fund	\$1,034.03

SANITARY SEWER CAPITAL FUND (PLGIT)

Naceville Materials	\$891.54	Trout Brothers, Inc.	\$10,133.45
Bank of New York (PENNVEST)	\$57,355.94	K & A SRVS, Inc.	1,187.50
		Total Sanitary Sewer Capital Fund	\$69,568.43

A motion was made by Councillor Ned D. Leight, and seconded by Councillor Jonathan C. Gardenier, to pay the bills for the month of March, 2008, as presented. The motion was approved.

Vice-President Andrew Schlosser opened the floor for public comment by Borough Residents and Property Owners.

Rex Selheimer, 52 W. Broad Street commented on increased littering along Penn Avenue. Trash has been found in lawns, shrubbery and along the street. He requested the Borough investigate a yellow commercial truck that has been parked on Penn Avenue at Meadow Alley for a number of months. Mr. Selheimer also raised concern about the general maintenance and the conduct of tenants at the multifamily dwelling at 50 W Broad Street. Rex Selheimer further questioned the Borough's policy on enforcing the state law prohibiting parking against traffic. Chief Quinn confirmed that the Borough only enforces this parking restriction on state owned roads. Mr. Selheimer pointed out that vehicles are parking against traffic along Penn Avenue near Broad Street. When these vehicles move they are in the wrong lane, risking an accident with a vehicle turning onto Penn From Broad Street. He also questioned whether Penn Avenue will remain a one way street from Broad Street to Chestnut. If so, additional or improved signage should be considered as part of the Univest building project. He also requested the public works department to repair a loose manhole lid at Penn Avenue and Broad Street.

Scott Houston, 7 East Reliance Road, questioned the outcome of committee discussions relative to moving forward with the Reliance Road traffic signal project. Since last meeting he discussed this project with Michael Michalak, who also expressed opposition to the proposed traffic signal. He also expressed appreciation for the recent alley repairs.

Jamie Allebach, owner of 117 Main Street, commented that there are three large industrial buildings in the core downtown district, one of which he owns, that are prime for revitalization and all have issues with non-conforming off street parking. Mr. Allebach suggested that we need to work together on this parking issue or business and investors will look elsewhere. He further commented that there have been a number of newspaper articles suggesting that business should not be using the lots for employee parking. The Borough maintains a number of municipal parking lots and all of the lots are in fact utilized by business for employee parking. At the present time, parking is not a drastic issue. Borough Council should invite business owners to a meeting to jointly work on a resolution to parking issues.

Mark Henry, business and property owner at 32 E Reliance Road, commented that the new municipal parking lot at Main and Hillside Avenue was created to help business in the core downtown. He requested that Borough Council delay the posting of any restriction in the lot at this time. Mr. Henry further commented on the proposed change in the parking requirement for multifamily dwellings. The current restriction of 1.5 spaces per unit was recommended by the Montgomery County Planning Commission and is a widely accepted parking ratio for multifamily and mixed use buildings. The current regulation is sufficient and should not be changed.

The first item of business was consideration for adoption of Resolution-Approving DCNR Grant Application, Open Space Acquisition.

A motion was made by Councillor Jonathan C. Gardenier, and seconded by Councillor Ned D. Leight, to adopt Resolution 08-03 approving the filing of an application to the Department of Conservation and Natural Resources for grant funds to assist in the acquisition of the South Front Street Little League Baseball fields. The motion was approved.

The next item was consideration of a quotation to repair the exterior stucco on the municipal building. Councillor Goshaw asked if other quotations have been received. Borough Manager Michael Coll confirmed that a second quotation was received at a cost of \$11,500.

A motion was made by Councillor Brian Goshow, and seconded by Councillor D. Jeffrey Gross, to approve the quotation of Benner and White Construction to repair the exterior dryvit wall surface of the Municipal Building at a cost of \$9,775.00. Motion was approved.

A motion was made by Councillor Katherine M. Grubb, and seconded by Councillor Jonathan C. Gardenier, to authorize the Borough Solicitor to proceed with the preparation and advertisement of an ordinance amending the parking requirements for multifamily and mixed use dwellings. Motion was approved.

A motion was made by Councillor Ned D. Leight, and seconded by Councillor Brian Goshow, authorizing a Special Meeting of Souderton Borough Council at 7:00 p.m. on Monday, April 21, 2008 to formally consider an award of the bids to supply playground equipment for the Lawn Avenue Park. Motion was approved.

Borough Manager Michael Coll noted that another meeting will be scheduled with Verizon representatives to continue work on the cable franchise agreement. We are anticipating that this agreement will be advertised and presented to Borough Council for formal consideration at the May Borough Council meeting.

There being no further business, the meeting was adjourned at 8:19 pm.

Respectfully submitted,

P. Michael Coll, Secretary

WORK SESSION MINUTES AND COMMITTEE REPORTS

Public Works Work Session – Monday, April 14, 2008

Council Attendees: Mayor John Reynolds, John Young, Ned Leight, Jeffrey Gross, Brian Goshow, Katherine Grubb, Jonathan Gardenier and Ray Yothers.

Staff Attendees: Public Works Director Steven Coll and Borough Manager Michael Coll.

1. Sanitation Committee

- a) The March Discharge Monitoring Report was filed with no exceptions to permit limitations. Chief Operator Sal DeSimone prepared a monthly report for distribution to committee members outlining the performance of the plant and associated maintenance issues.
- b) Special Legal Counsel, Steve Miano, reviewed and filed comments regarding the Indian Creek TMDL that was recently released by the Environmental Protection Agency. A relatively small area of the Borough's storm water system discharges into the Indian Creek. The area is along the northern boundary with Telford Borough, extending from E Reliance Road to Summit Street, which includes the new Fourth Street storm system that is currently under construction. While the TMDL addresses waste water discharges, it also includes storm water dischargers that are permitted as MS4 dischargers. In order to maintain appeal and party status, dischargers must submit comments during the open comment period. I have forwarded a separate memorandum and the comment letter to each member of Borough Council and the neighboring municipalities. You may have read a recent newspaper article about Franconia Township's objections to the TMDL study.
- c) We are expecting that a similar Skippack Creek TMDL will be released in the near future. It is becoming apparent that the stringent nutrient limits will be forcing treatment plants to be looking at membrane filter technologies. While the recent NPDES appeal settlement will provide Souderton with a few years of relief, it may be prudent to complete our 537 Plan for future plant upgrades, with particular focus on improvements within the collection system and the initial bar screens and grit removal systems. Membrane filters will require removal of more particulate matter at the head end of the plant. Debt service from the 1989 plant and interceptor

construction projects will be retired in mid 2009, which will free capital funds to handle an initial borrowing to begin some of the necessary upgrades.

2. Highway Committee

- a) Crews completed necessary repairs in all alleys throughout the Borough. 186 tons of stone was used to grade and repair the stone alleys and an additional 14 tons of blacktop was devoted to repairing paved alleys. Mostly all calls received in the Borough office about road complaints are within alleys.

Councillor Jonathan Gardenier suggested that the Borough calculate the amount of alleys within the Borough, estimated between 6 to 8 miles. Liquid Fuels allocates funds based on a formula of population and road mileage. Road mileage accounts for approximately \$4,000 per mile. Ordaining the alleys may increase our annual entitlement towards road improvements Borough wide.

- b) Committee members discussed various issues with the proposed traffic signal project at Main Street and Reliance Road. After much discussion, a general consensus was reached to move forward with the bids as previously authorized.

3. Sidewalk Committee

- a) Considerable discussion continued from last month on the fluctuating policy over the use of grass plots. The primary advantage of grass plots is to provide flexibility to property owners to salvage sections of relatively good sidewalk or delay the construction of sidewalk when curb needs to be replaced to accompany a road paving project. Good sidewalk can be cut and salvaged regardless of the elevation of the new curb. Grade variations can be adjusted by the grass plot, saving considerable expense to the property owner and the Borough. Maintenance of the grass plot has become a primary objection.

Committee members evaluated a proposed option to utilize pavers when grass plots become narrow or are located in higher traffic areas. Committee members discounted the paver option due to settlement concerns, weeds and overall appearance.

Committee members seemed to reach a consensus to permit grass plots only when the sidewalk width is six feet or wider to provide a minimum sidewalk width of 48" and a minimum grass plot width of 24". Our current sidewalk ordinance dates back to the 1960's and should be revised to reflect current construction standards, a firm policy on the use of grass plots and criteria to determine when sidewalk is in an unacceptable condition.

Jonathan Gardenier suggested that Borough Council consider the establishment of a revolving loan program to assist the property owner with financing alternatives to construct or repair their sidewalk because of the growing expense. Previously, the Borough allocated a portion of loan proceeds from the Montgomery County Infrastructure Loan Program to residents for curb and sidewalk construction. The loan were extended with a ten year term and no interest.

4. Recreation Committee

- a) Bids were received on April 14, 2008 for the playground equipment at the Lawn Avenue Park, adjacent to the Boys and Girls Club. Subsequent to this work session the bids were reviewed and formally considered by Borough Council at a Special Meeting on Monday, April 21, 2008. The bid was awarded to Marturano Recreation Company, a distributor for Gametime. The total contract price will be \$44,572.23, with a change order to add two additional benches at \$465.50 each. See the minutes of the April 21, 2008 Special Borough Council Meeting.
- b) Zion Mennonite Church is considering a community playground project on their site at Cherry Lane and S Front Street. The playground is similar to the wooden park known as Kings Castle in Doylestown Township and the wooden playground in Upper Gwynedd Township. The structure will be built with recycled material in place of pressure treated wood. The Church is hoping that Borough Council will support the project and possible assist with site preparation,

liability insurance and future maintenance. Committee members authorized a letter to be sent to Zion Mennonite Church endorsing the proposed playground project and the consideration of a lease agreement that would require the Borough to provide insurance and maintenance of the structures. The endorsement will include a contingency that Zion Mennonite Church continues to work with the Borough towards the purchase of the South Front Street Baseball fields.

- c) The recent cooperative project between the Borough and Uninvest to improve the parking lot and site conditions behind the train station was recently met with concern from members of the Souderton Charter School and Souderton School District. Part of the project included the improvement of the orphan railroad property that was acquired by the Borough during the Boys and Girls Club project.

5. Property Committee

- a) Souderton Borough owns and maintains the Hillside Cemetery. Mowing is completed by our crew with Borough equipment. Steve Coll pointed out that the cemetery contributes a fair amount of wear and tear on our mowing equipment and it would be beneficial to have a tractor with flexibility to accept various attachments for various repair work within the cemetery. John Deere equipment is currently under state contract and their prices are very competitive. We received identical proposals from Detlan Equipment, Silverdale and Little Equipment, Zeiglersville. Committee members endorsed a recommendation to purchase this tractor from the Hillside Cemetery account; however other attachments will be financed through the Borough's General Fund. A motion will be prepared to authorize the purchase of the new tractor at a cost of \$13,532.25.

Administrative Work Session – Monday, April 21, 2008

Council Attendees: Mayor John Reynolds, John Young, Jeffrey Gross, Brian Goshow, Andrew Schlosser, Katherine Grubb and Jonathan Gardenier. Junior Councillor Andrew Espenlaub.

Staff Attendees: Police Chief Charles Quinn and Borough Manager Michael Coll.

1. Police Committee

- a) Committee members confirmed that they desire to postpone the appointment to the Sergeant position. The test results are valid for a period of one year.
- b) In February, Committee members discussed the benefit of conducting a management and operations study of the Souderton Borough Police Department. A proposal was received from Safe City Solutions to complete this study with typical costs ranging from \$4,000 to \$6,000. Committee members will be recommending a motion to authorize the completion of this study at a cost not to exceed \$6,000.
- c) Officer Donald Fry formally retired on Friday, April 11, 2008. We need to revise our application procedures for entry level officers before a formal announcement is made. We hope to begin accepting applications in May.
- d) Discussion was again held on the Reliance Road traffic signal project. A separate memorandum was distributed to Borough Council on this matter. It appears that the general consensus supports moving the project forward through bidding to ascertain the actual cost. This authorization was approved by motion at the December meeting. Borough Council can then determine whether to award the bid depending on actual costs. Some members believe that the cost may approach \$150,000, but cost information is necessary to make a final decision on the signal construction project. Committee members requested the Borough Manager to report on this decision at the May Borough Council meeting. I will formally request an extension of the grant from June 30, 2008 to December 31, 2008.
- e) Committee members requested that a resolution be prepared for the June Borough Council meeting commemorating the service of Police Officer Donald Fry. Committee members authorized Officer Fry to keep his service weapon. Chief Quinn will formally transfer ownership of the firearm from the Borough to Donald Fry. Donald Fry was also presented with

his service badges.

- f) Chief Quinn reported that a Special Events permit was issued for the annual Tri-Valley Power Walk in support of the Boys and Girls Club.
- g) Mayor Reynolds reported that he and Chief Quinn will be meeting with John Eustice in regard to modifying the course for the Univest Grand Prix.

2. Administrative Committee

- a) Borough Solicitor Robert Bricker and I met with Verizon officials on April 15th and believe that we have reached an acceptable cable franchise agreement. The Verizon agreement prides for a \$1,500 technology grant and a \$3,000 direct buy-out for existing cable television services provided by Comcast at various municipal locations. Borough Solicitor Robert Bricker prepared and advertised an ordinance for formal consideration at the May 5th Borough Council meeting. Verizon representatives will be attending the meeting to address any further questions or concerns. Verizon is currently constructing the system in Souderton Borough and anticipates that service may become available later this fall.

3. Development Committee

- a) Considerable time was spent in discussion with David Halliday, owner of 121 Main Street, and his consulting staff regarding a parking waiver request as part of the planned rehabilitation of the former Souderton Furniture Mart building into executive office suites. Committee members reviewed the proposed use of the building, which will have leased executive office suites on all three floors of the building with shared conference room and reception space. The site can only accommodate eight of the required 41 off street parking spaces that will be required by ordinance to support the proposed use. The owner views the off street parking requirement as the most significant issue with this proposal. He is requesting Borough Council to consider waiving 33 of the 41 off street parking spaces. Charles Ebersole has earmarked 16 parking spaces in an existing paved lot just north of the site. David Halliday explained that this type of use, as experienced with his facility in Blooming Glen, will have very few tenants working a full day within the building. David Halliday requested that Borough Council formally consider this waiver request. Members requested the Borough Solicitor to evaluate the appropriateness of this action absent submission of a formal land development application; how much parking relief should be considered as a lawful nonconformity and if such a waiver is granted, how can the waiver be conditioned on a specific use. I will be meeting with the Borough Solicitor on April 30th. David Halliday is planning on attending the May 5th Borough Council meeting to provide a brief presentation before all members of Borough Council and the Borough Solicitor. He understands that his time will be limited at the Borough Council meeting and he may need to appear at the work sessions in May to continue discussions.
- b) On April 17, 2008, DePallo Design and Planning presented a series of conceptual sketch plans regarding the Souderton High School Redevelopment planning project at a morning work shop. The conceptual plans brought mixed reaction from members of Borough Council and representatives of the task force. Due to time constraints, Borough Council did not have any further discussion on the plans at their work session. The next presentation by DePallo Design and Planning will be on Thursday morning, May 15th at 8:00 am in the Council Chambers.
- c) Souderton Borough has been contracting planning consulting services through the Montgomery County Planning Commission. There has been significant turnover within the planning staff over the past year raising concern over the quality of service and the overall planning experience that is being brought to Souderton Borough. Perhaps the Borough would be better served if we considered the appointment of a planning consultant. I requested DePallo Design and Planning to provide a quote to expand their services to include comprehensive planning services for the core business district. Borough Council will direct the actual scope of services, which may include consideration to create economic redevelopment districts and provide more comprehensive planning services within the core business district and the surrounding residential neighborhoods. A copy of their proposal was distributed to members of Borough Council for their review and further consideration.

- d) The Montgomery County Planning Commission will be working on the proposed extension of commercial zoning along Main Street as part of the planning assistance contract.
- e) Jonathan Gardenier commented that he reviewed the proposed lighting ordinance that the Indian Valley Regional Planning Commission is developing, but feels that the direction is too restrictive for the Borough needs and that he recommends that we continue to work towards our own local ordinance.

4. Finance Committee

- a) A brief discussion was held concerning committee support towards the enactment of a Local Services Tax effective January 1, 2009. A draft ordinance has been prepared by the Borough Solicitor and we received a variety of estimates, procedures and a proposed collection agreement from Berkheimer Associates. Committee members requested that we move forward with the scheduling of the required hearing in June.